**THE HONOURABLE SRI JUSTICE V.ESWARAIAH**

**WRIT PETITION No :20528 OF 2007**

**DATED:01-10-2007**

**BETWEEN:**

P.Pitcheswara Rao & 66 others.

**..... PETITIONERS**

**AND**

The Revenue Divisional Officer,
Guntur Sub-Division,
Guntur District & 2 others.

**.....RESPONDENTS**

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**ORDER:**

Heard learned counsel appearing for the petitioners as well as the learned Government Pleader for Land Acquisition appearing for the respondents.

2. Petitioners seek a writ of mandamus declaring the action of the respondents in taking steps to dispossess the petitioners from their land without disposing of the appeals pending before the 1st respondent, as illegal, arbitrary, and contrary to purport of Section 4-A of the A.P.Assigned Lands (Prohibition of Transfers) Act, 1977 ( for brevity, 'the act') and the rules made thereunder and consequently direct the respondents not to dispossess the petitioners from the land in their possession situated in Sy.Nos.774, 774/1 and its sub-divisions 774/2 and its sub-divisions, 774/4 and its sub-divisions, 774/5 and its sub-divisions, 774/6 and its sub-divisions, 774/7 and its sub-divisions and 774/8 and its dsub-divisions of Navuluru village, Mangalagiri mandal, Guntur District.

3. It is the case of the petitioners that that they are the purchasers of various extents of the lands in Sy.No.774 and its sub-divisions situated at Navuluru village, Mangalagiri mandal, Guntur District. While so, the Mandal Revenue Officer, issued notices to the purchasers i.e., the petitioners herein calling upon them as to why they shall not be summarily dispossessed if no

suitable explanation is filed within fifteen days. It is stated that the petitioners submitted explanations but without considering the same, 3rd respondent-Tahsildar passed orders in Rc.No.239/07-A, dated 12-06-2007, resuming the lands in exercise of his powers under Section 4-A of the Act stating that the said lands are purchased in contravention of
Section 3(1) of the Act. Aggrieved by the said order, all the petitioners filed appeals before the 1st respondent-Revenue Divisional Officer, Guntur sub-Division, Guntur on
25-06-2007 along with application for grant of stay. It stated that the appellate authority has not taken up the disposal of either the stay application or the main appeal and pending disposal of the appeal 3rd respondent is taking steps to dispossess the petitioners.

4. I am of the opinion that when statutory appeals are pending it may not be just and proper for the appellate authority to dispossess the petitioners from the said land in question.

5. Having regard to the facts and circumstances of the case, 1st respondent is directed to consider and dispose of the appeals filed against the orders in Rc.No.239/07-A, dated
12-06-2006, as expeditiously as possible in accordance with law and pending disposal of the appeals, *status quo* obtaining as on today with regard to possession shall be maintained.

6. Accordingly, Writ Petition is disposed of. No order as to costs.

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**V.ESWARAIAH,J**

01st October, 2007.

**Note:**

Issue operative portion of the order by wire at party's costs.

B/o

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